

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOONBUG ENTERTAINMENT LIMITED,

Plaintiff,

- against -

6383702, 9654956, AIRINA4U-AIRINA4U,
BINGOHERE4U, BLESSERNN,
CIAOCIAOSTORE_1, CLASSY*MISSY,
CREAT_KELLY, DREAMAKER1201,
FZSHENGMAOXIN, GATHERING-RETAIL,
GKEVER2016, JACKINTHEBOX02,
JFBCHUPMEI, JOHLEVI94, LAZYCORNER,
LONGJFLI-1, LUOMEIKIT,
LVXINGJIATRAVEL2016, MARIOCOSTUME,
MARK-CONDOR, MEILIANDUOTOA, MWZUK,
NATURALIFT_BEAUTY, PRETTYCLOTHA,
SHENGXINYIDE2021NEW, SHIHENGTRAD,
SPRING-2010, THINKINGTIMEW,
TIANCHUANGBUILD04, TOMASOCOSTUME,
TOYCITY-02, TOYSCHINA2011, XUEME-28,
YHZB520, YIHEYH, and ZBYH1314,

Defendants.

ORDER OF DEFAULT

21 Civ. 4311 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS the Complaint in this case was filed under seal on May 10, 2021;

WHEREAS on May 13, 2021, Plaintiff filed an ex parte motion under seal for a temporary restraining order, an order restraining merchant storefronts and Defendants' assets with financial institutions; an order to show cause as to why a preliminary injunction should not issue; an order authorizing bifurcated and alternative service; and an order authorizing expedited discovery;

WHEREAS on May 21, 2021, this Court found that Plaintiff had not pled facts sufficient to demonstrate that this Court has jurisdiction over all named Defendants, and directed Plaintiff to submit supplemental evidence;

WHEREAS on June 1, 2021, Plaintiff submitted a declaration noting that Plaintiff's counsel had purchased a counterfeit product from each Defendant except for Defendant luomeikit, and included order confirmations for each;

WHEREAS on June 3, 2021, this Court issued a temporary restraining order, order to show cause, order authorizing bifurcated and alternative service, and order authorizing expedited discovery for all Defendants except for Defendant luomeikit;

WHEREAS Plaintiff served the Summons, Complaint, all supporting papers, and the Court's orders on each Defendant on June 9, 2021, in accordance with the order authorizing alternative service (Certificate of Service (Dkt. No. 15) ¶ 6);

WHEREAS on June 18, 2021, Plaintiff appeared at the preliminary injunction hearing, but no Defendants appeared;

WHEREAS this Court issued a preliminary injunction on June 21, 2021 as to all Defendants except Defendant luomeikit (Dkt. No. 12);

WHEREAS a copy of the preliminary injunction order was served on each Defendant on June 24, 2021 (Certificate of Service (Dkt. No. 18) ¶ 7);

WHEREAS on July 19, 2021, Plaintiff voluntarily dismissed Defendant toyschina2011 (Dkt. Nos. 16-17);

WHEREAS Defendants have not appeared in this action or responded in any fashion to the Complaint;

WHEREAS on November 12, 2021, this Court directed Plaintiff to move for default judgment or to show cause why the action should not be dismissed for failure to prosecute (Dkt. No. 19);

WHEREAS on November 22, 2021, Plaintiff obtained a certificate of default against each Defendant except Defendant toyschina2011 (“Defaulting Defendants”) (Dkt. No. 23);

WHEREAS on November 23, 2021, Plaintiff moved for a default judgment;

WHEREAS on April 8, 2022, this Court entered an Order to Show Cause, which directed Plaintiff to serve Defaulting Defendants the order by April 11, 2022. Defaulting Defendants were directed to respond in writing to this order by April 15, 2022. A show cause hearing was scheduled for April 19, 2022 (Dkt. No. 30);

WHEREAS a certificate of service was filed by Plaintiff on April 18, 2022 stating that Plaintiff had served Defaulting Defendants with the Order to Show Cause and supporting papers on April 11, 2022 (Certificate of Service (Dkt. No. 31) ¶ 6);

WHEREAS Defaulting Defendants have filed no opposition to Plaintiff’s motion for a default judgment and did not appear at the April 18, 2022 hearing;

WHEREAS, for reasons discussed at the April 18, 2022 hearing, this Court found that Plaintiff has not shown a basis for this Court to exercise personal jurisdiction over Defendant luomeikit;

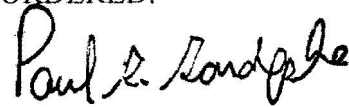
WHEREAS this Court directed Plaintiff to show cause by April 26, 2022 why its claims against Defendant luomeikit should not be dismissed for lack of personal jurisdiction;

WHEREAS, to date, Plaintiff has not made any showing as to why its claims against Defendant luomeikit should not be dismissed for lack of personal jurisdiction;

It is hereby ORDERED that default is entered against each Defendant, except Defendants toyschina2011 and luomeikit. This case is referred to the assigned Magistrate Judge for an inquest as to damages. Plaintiff's claims against Defendant luomeikit are dismissed without prejudice. The Clerk of Court is directed not to close this case.

Dated: New York, New York
May 6, 2022

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge